

REMARKS

Specification

Applicants have herein amended the specification at page 9, line 9, to correct an informality as requested by the Examiner.

Drawings

The Examiner objected to Figure 8 as having an incorrect label. Applicants have amended Figure 8 as indicated in the enclosed substitute Figure 8, wherein the changes are shown in red ink. In particular, Applicants have amended Figure 8 to identify the illustrated method with reference numeral "136". Applicants are also herewith submitting a clean copy of substitute Figure 8. Applicants hereby request permission to enter substitute Figure 8. Applicants are also submitting a separate Letter to Draftsperson requesting permission to enter the substitute drawing in accordance with Section 608.02(r) of the Manual of Patent Examining Procedure (*MPEP*). A copy of such letter is attached for the Examiner's convenience.

Section 112 Rejections

The Examiner rejected claims 8-13 and 16 under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to point out and particularly claim the subject matter regarded as the invention. In particular, the Office Action stated that the term "said digital flight data acquisition unit" in claims 8 and 13, and the term "said means for sending data" in claim 16 lack antecedent bases. Applicants have amended claim 8 to provide an antecedent basis for the term "said digital flight data acquisition unit". Applicants have amended claim 16 to recite "said means for transmitting

data”, for which there is an antecedent basis in claim 15, from which claim 16 depends.

Applicants submit that claims 8-13 and 16, as amended, satisfy 35 U.S.C. § 112, ¶ 2.

Prior Art Rejections

The Examiner rejected claims 1, 4, 7-8, 10, 12, 14-20, and 33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,550,738 to Bailey et al. Claims 2-3 and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey in view of U.S. Patent 5,793,813 to Cleave. Claims 5-6, 9, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey. Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey in view of U.S. Patent 5,124,915 to Krenzel. Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey in view of U.S. Patent 4,939,652 to Steiner and in further view of Krenzel. Claim 33 was also rejected under 35 U.S.C. § 103(a) as being obvious over Bailey. Applicants respectfully traverse the rejections as follows.

Independent claims 1, 8, 14, 15, 18, 19, and 33 were rejected as being anticipated by Bailey. Applicants submit, however, that Bailey does not teach every aspect of the claimed invention. *See* MPEP § 2131 (stating that a claim is anticipated under 35 U.S.C. § 102 only if each and every element set forth in the claim is found, either expressly or impliedly described, in a single prior art reference). In particular, with respect to claim 1, Applicants submit that Bailey fails to disclose, among other elements, a data acquisition unit or a communications unit located in an aircraft. Further, Applicants submit that Bailey fails to disclose, among other elements, a cellular infrastructure in communication with the communications unit after the aircraft has landed, as claimed in claim 1.

To the contrary, Bailey discloses a vehicle recording system for recording the land distance traveled by an automobile or truck. The system includes a magnetic sensor mounted on the vehicle adjacent to a vehicle component whose speed of rotation is proportional to vehicle speed, such as a drive shaft or an axle of an automobile. *See* Bailey et al., col. 3, lines 43-50. A pair of magnets are attached to the shaft or axle so that they align with the sensor as the shaft or axle is rotated. *See* Bailey et al., col. 3, lines 52-58. Accordingly, Applicants submit that because Bailey is merely directed to a system for recording the land distance traveled by the vehicle, it is not suitable for an aircraft. Further, inasmuch as the system of Bailey is for land purposes, Applicants submit that it fails to disclose a cellular infrastructure in communication with the system after the vehicle has landed. Therefore, Applicants submit that claim 1 is not anticipated by Bailey.

Similarly, with respect to claims 8 and 14, Applicants submit that Bailey fails to disclose a data system for an aircraft including, among other elements, a digital flight data acquisition unit and a plurality of cell channels for transmitting data via a cellular infrastructure after the aircraft has landed. Also, with respect to claim 15, Applicants submit that Bailey fails to disclose, among other elements, a data acquisition unit located in an aircraft and a means for transmitting data from the data acquisition unit via a cellular infrastructure after the aircraft has landed. Additionally, with respect to claims 18 and 19, Applicants submit that Bailey fails to disclose a method of transmitting aircraft flight data from an aircraft including, among other steps, receiving flight data from a data acquisition unit located in an aircraft and transmitting the flight data via a cellular communications infrastructure after the aircraft has landed.

In addition, with respect to claim 33, Applicants submit that Bailey fails to teach or suggest a computer readable medium which when executed by a processor cause the processor

to, among other things, receive flight data from a digital flight data acquisition unit in an aircraft and transmit processed data via a cellular infrastructure when the aircraft has landed.

Further, Applicants submit that independent claims 1, 8, 14, 15, 18, 19, and 33 are not obvious in view of Bailey. Bailey discloses a system for recording the land distance traveled by a vehicle. In contrast, the present invention is directed to solving a long felt need in the avionics industry, and discloses the acquisition and transmission of aircraft flight data. Thus, Applicants submit that a person of ordinary skill in the art would not be motivated to modify the system of Bailey to realize the present invention.

Because claims 1, 8, 14, 15, 18, 19, and 33 are novel and nonobvious in view of the cited reference as discussed hereinbefore, Applicants submit that claims 2-7, 9-13, 16, 17 and 20-24, which depend therefrom, are also in condition for allowance. *See* MPEP § 2143.03 (stating that if an independent claim is nonobvious, a claim depending therefrom is nonobvious).

Objected-to Claims

The Examiner objected to claims 25-32 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 25 has been canceled and rewritten as independent claim 34 to include the limitations of its base claim (claim 19). Claim 29 has been canceled and rewritten as independent claim 35 to include the limitations of its base claim (claim 19) and intervening claim 20. Therefore, Applicants submit that claims 34 and 35 are in condition for allowance.

Claim 26 has been amended to depend directly from claim 34. Applicants submit that claim 34 is in condition for allowance and, therefore, claims 26-28, which depend directly or indirectly from claim 34, are also in condition for allowance.

Claims 30-32 have been amended to depend directly from claim 35. Applicants submit that claim 35 is in condition for allowance and, therefore, claims 30-32, which depend directly from claim 35, are also in condition for allowance.


Amendments

Support for the amendments made herein may be found throughout the specification and claims as filed. Applicants submit that no new matter has been added.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims in this application. If the Examiner is of the opinion that the instant application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact Applicants' attorney at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



Mark G. Knedeisen
Reg. No. 42,747

KIRKPATRICK & LOCKHART, LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222

Ph. (412) 355-6342
Fax (412) 355-6501